F.O. 881/7052*

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CONFIDENTIAL.

7052*

No. 1.

Mr. Gray to Foreign Office.—(Received October 24.)

Sir, 2, *Paper Buildings, Temple, October* 21, 1898.

IN accordance with Sir Thomas Sanderson's instructions of the 3rd October, I have the honour to submit the draft of an Order in Council for the purpose of conferring Coroner's jurisdiction on District Courts of Protectorates in Africa, and also of amending Article 99 of the African Order so as to enable Commissioners of Protectorates, in cases of urgency, to bring Regulations into operation before their allowance by the Secretary of State.

I venture to think that Articles 45 and 46 of "The East Africa Order, 1897" constitute an even better precedent for use in African Protectorates than Article 84 of the Siam Order.

The provision in Article 45 of the East Africa Order that "such disallowance shall be without prejudice to anything done or suffered under such Regulations in the meantime," meets the point raised by Mr. Piggott.

Moreover, it seems desirable that in the case of African Protectorates it should no longer appear that the Regulations apply only to British subjects.

It is also proper that in the case of these Protectorates, where virtually the whole administration is assumed by the British Government, the power to make Regulations should be expressed in language referring directly to the departments of general administration.

The present Order will extend to three Protectorates: British Central Africa, Uganda, and the Niger Coast. It is thus advisable in Article 3 to use the term "Consular Court," which, as defined in Article 2, is applicable to all three Protectorates, and is employed in "The Africa Order of 1889," Articles 19, 22, &c.

I have, &c.
(Signed) A. GRAY.

Inclosure in No. 1.

Draft Order in Council.

AFRICA (PROTECTORATES) ORDER IN COUNCIL, 1898.

WHEREAS by Treaty, grant, usage, sufferance, and other lawful means, Her Majesty the Queen has jurisdiction in the parts of Africa mentioned in "The Africa Order in Council, 1889:"

Now, therefore, Her Majesty, by virtue and in exercise of the powers on this behalf by "The Foreign Jurisdiction Act, 1890," or otherwise, in Her Majesty vested, is pleased by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1. This Order shall extend to every Protectorate of Her Majesty constituting a local jurisdiction for the purposes of "The Africa Order in Council, 1889."

2. In this Order:—

"The Principal Order" means "The Africa Order in Council, 1889," and any Orders amending that Order.

"The Commissioner" means Her Majesty's Commissioner and Consul-General or other Officer administering the Government of any Protectorate of Her Majesty in Africa.

"Consular Court" includes every Court or officer exercising the powers of a Consular Court under the principal Order.

3. Every Consular Court of a Protectorate shall have, and may exercise, for and within its own district, all the powers, rights, and duties appertaining to the office of Coroner in England, but it shall not be necessary to summon a jury in holding any inquest.

4. The Commissioner may make Regulations (to be called Queen's Regulations) for the following purposes, that is to say:—

(i.) For the regulation of all matters relating to customs, inland revenue, post-office, land,

highways, railways, money, agriculture, and public health;

(ii.) For the establishment of a constabulary or other force to be employed in the maintenance of order, or (either within or without the limits of the Protectorate) in defence of the Protectorate;

(iii.) For securing the observance of any Treaty for the time being in force relating to the Protectorate, or of any native or local law or custom; and

(iv.) Generally for the peace, order, and good government of the Protectorate in relation to matters not provided for in the principal Order.

Any Regulations under this Article may provide for forfeiture of any goods, receptacles, or things in relation to which, or to the contents of which, any breach is committed of such Regulations, or of any Treaty, or any native or local law or custom, the observance of which is provided for by the Regulations.

Any Regulations under this Article shall, when allowed by the Secretary of State, and published by the Commissioner, have effect as if contained in the principal Order: Provided that in case of urgency declared in any such Regulations, the same shall take effect forthwith and shall continue to have effect unless they are disallowed by the Secretary of State, and until notification of such disallowance is published by the Commissioner, and such disallowance shall be without prejudice to anything done or suffered under such Regulations in the meantime.

Any person guilty of any breach of the Regulations shall, on conviction, be liable to a fine which may extend to 100*l.*, or to imprisonment which may extend to two months, or both, in addition to any forfeiture as aforesaid.

5. The Commissioner may also make Queen's Regulations for the governance, visitation, care, and superintendence of prisons in the Protectorate, and for the infliction of corporal or other punishment on prisoners committing offences against such Regulations.

Any Regulations under this Article shall, when allowed by the Secretary of State, have effect, as if contained in the principal Order, and copies thereof shall be exhibited in every prison

to which they apply in such manner as the Commissioner may direct.

Any breach of Regulations under this Article committed by any officer of a prison, or by any other person (not being a prisoner), shall be punishable in like manner as a breach of Queen's Regulations under the last preceding Article.

6. Article 99 of the principal Order is hereby repealed as to every Protectorate of Her Majesty in Africa; but this repeal shall not affect so much of that Article as relates to Rules or Regulations made under the authority of "The West Africa Order in Council, 1872," or of any Order in Council repealed by the principal Order.

7. This Order may be cited as "The Africa (Protectorates) Order in Council, 1898."

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